

SCHOOL TEACHERS' RIGHT TO PUNISH—APPEAL ALLOWED WITH COSTS IN INDIAN ASSAULT CASE—MAKES LEGAL HISTORY

A schoolmaster has a right to punish a student if the student has disobeyed the rules of the school, even to the use of his fists if the teacher considers such extreme measures necessary to maintain discipline.

This is the purport of an important decision handed down on May 2 by Judge A. M. MacDonald of Macleod, in the appeal of the case of a student of the Roman Catholic Indian school on the Blood Reserve. Action was brought against Edwin Smith, disciplinarian of the school for an assault alleged to have been made on an Indian student, Albert Many Fingers. The case was tried before Magistrate Low of Cardston who fined Smith \$10. The case was appended, with the result as stated.

#### Makes Legal History

Widespread interest has centred in this case, the first of its kind ever tried in Canada. Hence it makes judicial history. J. D. Matheson of Macleod and J. O'Brien of Cardston, for the crown, and George K. A. Rice of Lethbridge, for the appellant.

The full text of Judge MacDonald's judgment follows:

The appellant Edwin Smith was convicted by J. W. Low, a police magistrate, on the 25th day of February last for unlawfully committing an assault on Albert Many Fingers, a pupil at St. Mary's Roman Catholic Indian school, situated on the Blood Reserve south of Macleod.

Smith is employed on the staff of the school referred to and among his other duties is that of maintaining discipline among the pupils. During the absence of the principal he is in charge of the school.

Many Fingers is a pupil attending the school. He is a strong healthy boy and about the same height and weight as the appellant, and will be 17 years old on the 5th of this month. Prior to the alleged assault he had been the cause of

considerable trouble in the school and was a leader amongst some of the older pupils who were evidently becoming discontented at being subjected to school discipline. He had intimated his intention of fighting Smith. The appellant spoke to him about his conduct and also warned him, but with no effect, as he continued to be insolent and disobedient to both Smith and his teacher. The appellant then reported the matter to the principal, who advised him that it was his duty to see that discipline was maintained. He then concluded that in order to carry out his instructions and maintain discipline in the school it was necessary that he punish Many Fingers. On the morning of January 9th, when the pupils were marching in to breakfast he requested him to stand out of line. When the other pupils had marched into the dining room, he told Many Fingers that he had been corrected several times but was still disobedient and he was now going to punish him, or words to that effect. He also referred to Many Fingers' threat to fight him. Other words then passed between them and Many Fingers, seeing that he was about to be punished, assumed a fighting attitude with closed fists. Upon his doing, Smith struck him three rapid blows about the face and head with his fists, causing his nose to bleed. Many Fingers then stepped back. No further attempt was made by Smith to strike him.

#### Blow Not Severe

I find that the blows struck, although causing the pupil's nose to bleed, were not severe and caused no apparent bruise or discoloration of the flesh.

I further find that the appellant in administering the punishment was not guilty of malicious intent nor was he actuated by any ill-will towards Many Fingers. The punishment was not inflicted in a fit of anger.

Following the judgments of Rex Metcalfe (1927) 3 W. W. 194,

GIVE CANADIAN BOY A CHANCE—PROF. BARTON OF MCGILL WOULD PUT FINANCES AT HIS DISPOSAL

Assistance to the Canadian boy, in order to establish him on the farm, was urged by Prof. Barton of the department of agriculture, of McGill University at the meeting of the special parliamentary committee on immigration and agriculture today. Dr. Barton advocated that the farm boy be given access to financial resources that would encourage him to stay on the land. He felt that with the raising of the standard of living in the agricultural industry farming would develop such an attraction that much of the problem of immigration would be solved. A "land development board" whose function would be to select land and advise on its utilization was suggested.

Dr. Barton explained the "laboratory experiment" in immigration engaged in at MacDonald College where a large number of English public school boys have been receiving training preparatory to their being placed on farms, this training also being continued while the boys are learning farming conditions.

Rex vs. Zinck, 18 Canadian Criminal Cases 456; Regina vs. Robinson, 7 Canadian Criminal Cases 52, and the authorities therein cited, I think that the appellant had the right to punish the pupil in question, or any of the other pupils disobeying the rules of the school.

At the close of the hearing of this appeal considerable doubt existed in my mind as to whether or not the force used was reasonable under the circumstances.

I have carefully considered the evidence submitted on this point especially that of the Rev. William R. Hanes, called by the Crown, who has had considerable experience in the management of Indian schools. When asked what he would do if an Indian attempted to fight him, he would knock him down and then take him to the principal to be dealt with.

I have further considered the fact that the pupil had boasted that he intended fighting the appellant and the further fact that in appearance at least he was physically able to carry out his boast. These, with the further facts that he assumed a fighting attitude when approached by Smith, and that when Many Fingers stepped back after receiving the blows complained of, no further attempt was made by Smith to strike him, convinces me, after consulting a number of authorities on this point, that the force used was not under the circumstances unreasonable. In this regard I may refer to the words of Ouseley, D. C. J., in the case of Rex vs. Hilton decided by him in March, 1919 (unreported) and quoted in Rex vs. Metcalfe already referred to, which reads as follows: "It seems to me, therefore, that under these authorities I am in this appeal bound to hold that taking into consideration that the act was done with the intent to teach the doctrine laid down in the case of State v. 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THE MACLEOD TIMES  
AND MACLEOD WEEKLY NEWS

John Dillingham, Publisher

S. Dillingham, Editor and Manager

A weekly newspaper printed and published at Macleod, Alberta every Thursday.

(Independent in Politics)

Subscription price (in advance) per year ..... \$2.00  
If not paid in advance ..... \$2.50  
Foreign ..... \$2.50WEEKLY CIRCULATION OF 1,400  
Circulated in a prosperous town of 1,700 population and in adjacent prosperous farming district.MECHANICAL DATA  
Eight columns to the page. Column width, 12½ ems pica. Column depth, 22½ inches. Cannot use mats.

ADVERTISING RATES

Display Advertising (contract not less than six months) per inch 30c  
Display Advertising (Transient) per inch ..... 50c  
Legal (publication called for by statute), Municipal and Government Advertising other than display—Set in body type of paper—1st insertion—per line, agate, 15c  
Subsequent insertions without any change of copy, per line agate ..... 10c  
(Agate—14 lines to the inch)

Straight Reading Notices—

First insertion (figures and name abbreviations to count as words) per word ..... 30c  
Minimum charge ..... 50c  
Subsequent insertions, per word 2c  
Minimum charge ..... 25cPolitical campaign display advertising direct from political party or through advertising agencies (no discount for plates) per inch ..... 50c  
Political Campaign Readers, direct from political party or through advertising agencies (no discount for plates) per line ..... 20c

All classified advertisements must be paid in advance.

THURSDAY, MAY 10th, 1928

HUNTING FOR FREEDOM

Along about this time every year, city editors on newspapers in every city from Vancouver to Halifax rummage through their assignment books and demand the annual story on the spring migrations of errant husbands.

City editors have discovered that there are more wife desertions in the spring than at any other time. The yoke of domesticity, worn placidly throughout the winter, begins to pall in April. Police courts and charitable organizations have pitiful records of families left distraught by spring wanderers.

The answer, of course, is that spring is the time when the desire for freedom renews. Even the most devoted and law-abiding of husbands—and wives, too, for all that—is apt to find himself or herself

thinking fondly of casting off old ties and seeking liberty.

If you really could get absolute freedom by running away, it would be a bad idea. But, the world being what it is, you can't. For it is a curious fact that only by entering some sort of bondage can you attain your freedom.

The hobo, sauntering along the railroad tracks, riding here and there on freight trains as the spirit moves him—the very symbol of utter freedom—is, as a matter of fact, the greatest slave in the world. He is bound to his own craving for movement and it goads him unceasingly. He is not free to make a home, to store up money, to win the respect of his fellows, to make his life count for anything—the wanderlust rides him like the old man of the sea. He is forever enslaved.

And the stay-at-home? The one tied to a house and children, compelled to watch every penny, unable to get away for more than a day or two at a time? That person is the one who is truly free.

For his ability to travel to the next county at will and to sleep on the bare ground if you choose is a poor kind of freedom. If it is the best thing you can imagine you will always be a slave. But if you can rise above that, if you can reject it and embrace the bondage of everyday service—then you are on the way to real freedom.

Freedom to serve someone else—freedom to tie yourself to your work binding your body but keeping your spirit unconfined—is worth seeking.

It gives subtle, intangible rewards that the runaway will never know. Classified Advertisements — Lost, Found, Wanted, Etc.;—

First insertion (figures and name abbreviations to count as words) per word ..... 30c  
Minimum charge ..... 50c  
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HUNTING FOR FREEDOM

Along about this time every year, city editors on newspapers in every city from Vancouver to Halifax rummage through their assignment books and demand the annual story on the spring migrations of errant husbands.

City editors have discovered that there are more wife desertions in the spring than at any other time. The yoke of domesticity, worn placidly throughout the winter, begins to pall in April. Police courts and charitable organizations have pitiful records of families left distraught by spring wanderers.

The answer, of course, is that spring is the time when the desire for freedom renews. Even the most devoted and law-abiding of husbands—and wives, too, for all that—is apt to find himself or herself

thinking fondly of casting off old ties and seeking liberty.

If you really could get absolute freedom by running away, it would be a bad idea. But, the world being what it is, you can't. For it is a curious fact that only by entering some sort of bondage can you attain your freedom.

The hobo, sauntering along the railroad tracks, riding here and there on freight trains as the spirit moves him—the very symbol of utter freedom—is, as a matter of fact, the greatest slave in the world. He is bound to his own craving for movement and it goads him unceasingly. He is not free to make a home, to store up money, to win the respect of his fellows, to make his life count for anything—the wanderlust rides him like the old man of the sea. He is forever enslaved.

And the stay-at-home? The one tied to a house and children, compelled to watch every penny, unable to get away for more than a day or two at a time? That person is the one who is truly free.

For his ability to travel to the next county at will and to sleep on the bare ground if you choose is a poor kind of freedom. If it is the best thing you can imagine you will always be a slave. But if you can rise above that, if you can reject it and embrace the bondage of everyday service—then you are on the way to real freedom.

Freedom to serve someone else—freedom to tie yourself to your work binding your body but keeping your spirit unconfined—is worth seeking.

It gives subtle, intangible rewards that the runaway will never know. Classified Advertisements — Lost, Found, Wanted, Etc.;—

First insertion (figures and name abbreviations to count as words) per word ..... 30c  
Minimum charge ..... 50c  
Subsequent insertions, per word 2c  
Minimum charge ..... 25cPolitical campaign display advertising direct from political party or through advertising agencies (no discount for plates) per inch ..... 50c  
Political Campaign Readers, direct from political party or through advertising agencies (no discount for plates) per line ..... 20c

All classified and transient advertising must be paid in advance.

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# BARKER'S STORE LADIES' SUMMER UNDERWEAR

Silk, Balbriggan, Crepe,  
Broadcloth and Knitted Cotton Materials.

Bloomers, Vests, Night-gowns.

R. T. BARKER

Macleod

Alberta

# BEAVER LUMBER

The Old Reliable, Means Guaranteed  
SATISFACTION TO YOU

Beaver (Alta.) Lumber, Ltd.  
The Big Lumber Yard in Your Town

Telephone 44

Macleod, Alta.

Speedway Garage  
GAS - OILS - TIRES - ACCESSORIES  
PHONE 235

FINEST JOB PRINTING — THE MACLEOD TIMES DOES IT

# QUEEN'S SERVICE STATION

NORTH STAR GASOLINE  
KEYSTONE AND WHITE STAR KEROSENE  
WILLIAM PENN LUBRICATING OILS AND  
GREASES  
TIRES, TUBES AND ACCESSORIES.

GEO. SHEFFIELD — PROP.

# JENKINS' GROCETERIA

Mr. H. M. Jenkins, President of Jenkins' Groceria, Ltd., visited here last Thursday and was well pleased with the way the residents of Macleod and district have patronized this store.

We thank you for your favors and pledge ourselves to carry the best known advertised lines and you can always depend upon the quality having first consideration.

Jenkins' Groceria, Ltd., import their coffee's green and do their own roasting, thereby saving you the cost of vacuum tins.

Royal Blend, per lb. . . 50c  
I X L Blend, per lb. . . 60c  
Old Gov't Blend, per lb. 70c

Having made arrangement with the Royal Crown Soap Co., we offer you three cakes of Witch Hazel Toilet Soap FREE with 1 Carton Jif, 1 Carton Soap Powder, 1 Tin Cleanser and 1 Tin Lye—all for 75c. Watch our Bargain Tables for odd lines of Fancy Crockery and Glassware.

All Town Orders Over \$3.00 Delivered Free.

Phone 8

Wm. J. Knox, Mgr.

# SEEDS

The season is late and the weather continues backward. Make sure that the seed you sow will not only germinate but will produce strong vigorous plants that will survive adverse conditions. We are headquarters in Macleod for the best obtainable in flower, vegetable and grass seeds. Let us have your orders.

Sow a mixture of sweet clover and brome or sweet clover and Western rye grass on that worn out or blown out land and break up some new land in its stead. We have this seed for you and the Bacteria Culture with which to inoculate it.

OUR EARLY OHIO SEED POTATOES are moving out fast. Secure your requirements now.

A QUANTITY OF BARLEY FOR SALE

# THE WHITE HALL

## LOCAL AND PERSONAL NEWS

Norman Macauley of High River is a visitor to Macleod this week.

Melvin Downie, Government Auditor, is a business visitor to Macleod.

G. Robertson of Lethbridge was a business visitor to Macleod this week.

Richard Armer of Clarendon was a Macleod visitor on Sunday last.

Ernie Codd of the Studebaker Lethbridge Agency was a business visitor here this week.

Donovan Franklin of California, is in Macleod looking after his father's business interests here.

Mrs. James Williams of Edmonton, formerly of Macleod, was a motor visitor to town on Sunday last.

Miss Isabel Callie and Miss Velma Burns of Clarendon, were visitors at the home of Mrs. J. Callie over the weekend.

Mr. H. M. Taylor and Mr. Parker of the Hick Hardware Co., Lethbridge, passed through Macleod on Tuesday last en route to Clarendon.

Ashley Grier has been elected president of the Canadian Legion (Macleod Branch) in the place of T. O. A. Drinkwater who is leaving for Burdett. Comrade Grier who is a son of Curren Grier of Macleod is a popular member of the G. W. V. A. At the outbreak of the war he enlisted with the Australian forces.

Judge A. M. MacDonald has purchased a New Hudson Sup Six Landau Sedan from McLeod and Butler the local agents.

Mrs. Nash, of the Macleod Photo Service, was the winner of the Swift's Ham in the drawing offered by Hartley's Meat Market last week.

In the pig contest under the auspices of St. James (Hazelmore) W. A., the winner was Mr. Sumner, the lucky number being 32.

The single foot marathon race between Earl and William is gradually coming to an end. Both are in fine condition with the odds on William.

Const. and Mrs. J. K. Ridings, accompanied by their sons Chris and Tom, from Barons, were in Macleod on Monday of this week visiting Mr. and Mrs. J. Foster.

Hugh McLean, who is in the Edmonton hospital for further treatment to his leg, is still very seriously sick according to word received by the family on Wednesday.

Mary Hanrahan, a school girl of eight years, while on her way to school Wednesday morning was knocked down by a dog and bitten on the leg, causing a nasty wound. The dog has since been destroyed.

Contractors are rushing the new Blue Trail south to Cardston. Several camps are on the ground along this work, and with the bridges completed, they expect to have the new trail open at an early date.

Stephen Lund of Pincher Creek prominent in the U. F. A. work as an official of that organization, was a visitor in Macleod Friday. He reports much activity in the oil drilling business. The Alberta Oil & Fuel Company have now a crew on his farm, on 11-6-1, West 5th, where they have begun operations on the new oil well. They are erecting their bunk houses, usual to such a camp, and will have their derrick in working order in a few days. Officials of the company who located the well are delighted over the prospects of

afterwards transferring to the Air Force at Gallipoli.

T. O. A. Drinkwater was a visitor to Calgary last week.

S. Heap and F. Tatham were business visitors to Lethbridge this week.

Miss Margaret Graham of Lethbridge was a Macleod visitor over the week end.

Mrs. Florence Beere of Calgary was the guest of Mrs. E. H. Maunsell for a few days this week.

Davie Grandison of Calgary was in town over the weekend visiting friends.

Mr. and Mrs. D. J. Cumming motored to Lethbridge on Friday of last week.

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# Free! Free! Free! WIN A HAM

With every dollar cash purchase in our store this week up to 8 p. m. Saturday, May 12th, you get a ticket which entitles you to a free chance on a ham which will be drawn at 9 o'clock Saturday night, May 12th at the Empress Theatre.

## Ask for Your Tickets

## Special Prices on Fresh and Cured Meats

John Carew buys there and Struthers, Billy Brown and Jake Carruthers, Macleod folks and a thousand others—

All Deal at

## Hartley's Meat Market

Phone 115 Five Doors North of Royal Bank

## Lethbridge BREWERIES LIMITED

### ALBERTA PRIDE

### Beer, Ale and Stout

A. YOUNG, Agt.  
MACLEOD — ALBERTA

This advertisement is not inserted by the Alberta Liquor Control Board or by the Government of Alberta.

lead to the Boundary; north, it is good to Okotoks.

R. A. Clements of the Rexall Store is confined to his bed suffering from throat trouble.

Sergt. T. Hidson of the A. P. P. Clarendon was in Macleod on Wednesday of this week on police matters.

J. J. Macleod well known old timer returned to Macleod from Calgary this week after several months absence.

The regular Civil Sittings of the Supreme Court will be held in Macleod on Monday with Mr. Justice Walsh presiding.

E. Westhaver, well known farmer of Allan Branch district, has disposed of his land here and left for Nova Scotia, where he will in future reside.

Miss H. Funnell has returned to Macleod from Lethbridge where she has been superintending the Gust Stores in that city.

Mr. Edwards of Granum was teaching at the Macleod Public School for a few days last week, while one of the regular teaching staff was confined to her home with influenza.

Mr. J. C. Dickson, student missionary from Princeton Theological Seminary, will arrive on Friday and will have service in McBride Lake School-house on Sunday afternoon next at 3 o'clock.

The regular meeting of the town council was held at the town hall on Tuesday evening of this week when the usual routine business was dealt with. Present Mayor McDonald and Councillors Day, Hoodless, McLeod, Swinerton, Stevens and Tweed.

Farmers are all busy seeding, having allowed their threshing machines to stand idle until after the seeding is finished. Some have their grain in stacks while others will summer-fallow the land on which the grain now stands. Plenty of farm helpers for the present, with good wages to those who can do the work.

Mr. and Mrs. H. V. Clarke of the Macleod Photo Service are having a wonderful time on their motor tour of Eastern Canada. They arrived safely at Toronto, after spending a few days at Niagara Falls, and according to latest reports, have not suffered from punctures, or any other motoring hazards.

Macleod district W. C. T. U. held its regular meeting this week, when Mrs. Joseph Griffin was unanimously elected president. An interesting program was given by the committee, and reports of work done in the past were received. Refreshments were served to the many who were present.

President H. M. Jenkins of the Jenkins' Groceria Stores was a business visitor to Macleod last week accompanied by Messrs. McCandlish, Simmons and Cowan of the executive staff. Mr. Jenkins was highly pleased with the store in Macleod, and the splendid business given the Macleod populace have given him.

A baby clinic was held last Saturday May 5th at the Waterton school, under the auspices of the Stand Off Women's Institute, when 25 children were brought for examination. Miss Emerson, nurse from the department of Health Edmonton, was present and made the examinations. The number of children turned out to be the best season. The examinations were very satisfactory, and the advice and comments of the nurse were very good and much appreciated by the mothers. Only two children were found to require the attention of a Doctor, which showed that the general health of the babies were excellent. The ladies of the Institute in charge of the clinic were Mrs. A. B. Skelton, the president, and Mrs. C. Rowe, Convenor of the child welfare committee. The clinic was open from 10 a.m. to 4 p.m. but nearly all the babies came in the afternoon which made a great rush and did not give the nurse the same chance to discuss each individual case.

Forest fires are Canada's great handicap.

# REACH & COMPANY, Ltd.

DEPARTMENTAL STORE, DRY GOODS, CLOTHING, BOOTS AND SHOES, GREAT WEST GARMENT AND OVERALL COMPANY'S MANUFACTURES, GROCERIES, VEGETABLES AND CONFECTIONERY

We do not know which vocation to adopt in the Heavenly city—dry goods or groceries. We ain't struck on either here. The ladies are wearing less clothes than ever, the fig leaf will soon be outclassed, a lady dressed in one will be over dressed and old-fashioned.

A yard of silk, a yard of lace,  
A wisp of tulip to give it grace;  
A flower placed where flowers go  
A skirt knee-high, the back waist low.  
One shoulder strap, no sign of sleeves,  
If more she doffs, the merchant grieves.

"The Woes of a Merchant" will be the next new novel in Alberta. It is funny how careless a man is about money, especially a single man. He never seems to think of preparing for the future. If he insures his life the agent has to run after him, when it should be the other way about. If he ever thinks of marriage it does not trouble him at all about the state of his finances. Here we have advertised day after day, and week after week that we want to clear out the Men's Department in clothing and boots and shoes, where he can make a clear saving of fifty per cent. He still has to buy the latest tailored suit at double the price he would have to pay us.

We have offered a line of Balmorals at \$5.00, actual cost when leathered was low, and the tanned leather fifty per cent better than it can be bought now—in fact you can't get the old time leather at all.

# APPRECIATION

The S. E. Gust Stores Ltd., wish to thank the people of all Southern Alberta for the splendid support accorded them at all their stores. Sometimes it is impossible for us to handle the enormous crowds in the proper manner, but we wish to assure all our friends that we try to give attentive, courteous service, and we will give it in the future. Our appreciation of the spontaneous recognition we have received in this community, will be further evidenced by the

## Real Values In Foodstuffs We Offer This Week:

Nice Juicy Oranges, 3 doz. for . . . . .	69
3 Cans Tomatoes, 3 Cans Corn, 3 Cans Peas, all for . . . . .	93
Dollar Sodas, per box . . . . .	49
Lemons, per doz. . . . .	39
Carrots, Turnips, Cabbage, per lb. . . . .	02
Rhubarb, per lb. . . . .	05
Potatoes, good for seed, per sack . . . . .	1.00
Libby's Catsup, per bottle . . . . .	20
Libby's Pork and Beans, 3 tins for . . . . .	35
Orange Marmalade, 4 lb. tin for . . . . .	55

## The S. E. GUST STORES, LIMITED

9 NINE OF CANADA'S BEST STORES 9

H. FUNNELL, Manager, — MACLEOD BRANCH